

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MYRON G. BRANDON,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF CORRECTIONS et al.,

Defendants.

CASE NO. 3:22-cv-05284-LK-DWC

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECUSAL

**I INTRODUCTION**

This matter comes before the Court following referral by United States Magistrate Judge David W. Christel (Dkt. No. 34) of Plaintiff Myron G. Brandon's motion for recusal (Dkt. No. 32). For the reasons stated herein, the Court AFFIRMS Magistrate Judge Christel's decision.

**II BACKGROUND**

Plaintiff moved for Magistrate Judge Christel's recusal from his case, alleging Judge Christel was prejudice against him in a prior case involving his Eighth Amendment claim. (Dkt. No. 32 at 2.) Plaintiff alleged Magistrate Judge Christel dismissed his claims for failure to

1 properly define the Eighth Amendment, even though Plaintiff did so on three separate occasions.  
2 (*Id.*) Plaintiff further alleged he “now has an [Eighth] Amendment, cruel and unusual  
3 punishment claim in which David W. Christel will prejudice that prior case was in 2021 and  
4 became a strike.” (*Id.*)

### 5 III DISCUSSION

#### 6 A. Legal Standard

7 Local Civil Rule 3(f) requires a challenged judge to review motions filed pursuant to 28  
8 U.S.C. § 144 or 28 U.S.C. § 455 and to determine whether to recuse voluntarily. LCR 3(f). If  
9 the challenged judge declines to recuse voluntarily, they must direct the court clerk to refer the  
10 motion to the chief judge for their review. *Id.*

11 28 U.S.C. § 455(a) provides that a judge of the United States shall disqualify himself or  
12 herself in any proceeding in which their “impartiality might reasonably be questioned.” 28  
13 U.S.C. § 455(a). 28 U.S.C. § 144 similarly requires recusal when a party to a proceeding in  
14 district court files a “timely and sufficient affidavit that the judge before whom the matter is  
15 pending has a personal bias or prejudice either against him or in favor of any adverse party.” 28  
16 U.S.C. § 144. The standard for recusal under both statutes is the same—“[w]hether a reasonable  
17 person with knowledge of all the facts would conclude that the judge's impartiality might  
18 reasonably be questioned.” *United States v. McTiernan*, 695 F.3d 882, 891 (9th Cir. 2012)  
19 (internal quotation marks omitted). “[A] judge’s prior adverse ruling is not sufficient cause for  
20 recusal.” *United States v. Studley*, 783 F.2d 934, 939 (9th Cir. 1986); *see also Liteky v. United*  
21 *States*, 510 U.S. 540, 555 (1994) (“[J]udicial rulings alone almost never constitute a valid basis  
22 for a bias or partiality motion.”).


**B. Plaintiff's Motion to Recuse Judge Christel**

Plaintiff's motion does not allege facts sufficient to require Magistrate Judge Christel's recusal. Plaintiff's sole ground for recusal appears to be that Magistrate Judge Christel previously presided over and dismissed a prior case filed by Plaintiff. (*See* Dkt. No. 32 at 3.) Plaintiff does not offer additional evidence that would indicate bias or prejudice on the part of Magistrate Judge Christel. Prior adverse rulings are almost never sufficient to establish bias necessary for recusal absent further evidence of deep-seated prejudice. *See McTiernan*, 695 F.3d at 891–92. As such, the Court ORDERS that Magistrate Judge Christel's refusal to recuse himself from this matter is AFFIRMED.

**IV CONCLUSION**

Accordingly, and Court hereby ORGERS that Magistrate Judge Christel's refusal to refuse himself from this matter (Dkt. No. 34) is AFFIRMED.

Dated this 4th day of November 2022.

---

David G. Estudillo  
United States District Judge